

IN THE CLAIMS

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Claim 1 (Currently Amended): A hybrid construction machine comprising:  
constructed to drive a work tool;  
an engine;  
a main battery;  
an auxiliary battery;  
a power generator to be driven by the engine;  
at least two electric motors, at least one of said electric motors being adapted to  
operate said work tool, the electric motors (6, 7, 13, 15, 23, 25) being driven by means of  
power of a at least one of the power generator, the auxiliary battery and the main battery. (11)  
to be driven by an the engine (10), a power generator (11) to be driven by an engine wherein  
power of an the auxiliary battery (42) and power of a the main battery (12) are to be charged  
with the power of the power generator (11), comprising: and  
a switch (43) for switching to drive of the electric motors between (6, 7, 13, 15, 23,  
25) by means of normal power of at least one of the power generator (11) and the main  
battery (12) in a normal operation state, and to drive the electric motors (6, 7, 13, 15, 23, 25)  
by means of auxiliary power of the auxiliary battery (42) in an emergent emergency operation  
state that wherein the electric motors (6, 7, 13, 15, 23, 25) can not be driven by means of the  
normal power.

Claim 2 (Currently Amended): The hybrid construction machine according to claim 1, further comprising an actuator-selecting switch (54) for selecting at least one of the electric

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motors (~~6, 7, 13, 15, 23, 25~~) to be driven by means of the auxiliary power in the emergency  
emergent operation state.

Claim 3 (Original): The hybrid construction machine according to claim 1 or 2,  
wherein the hybrid construction machine is a hybrid excavator.

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Claim 4 (Currently Amended): A control apparatus of a hybrid construction machine  
for executing works by charging a main battery (~~12~~) with power of a power generator (~~11~~) to  
be driven by an engine (~~10~~) and driving electric motors (~~6, 7, 13, 15, 23, 25~~) by means of  
power discharged from at least the main battery (~~12~~), comprising:

a generator output control body (~~51~~) for varying power output from the power  
generator (~~11~~) in accordance with content of work performed by the hybrid construction  
machine.

Claim 5 (Currently Amended): The control apparatus of a hybrid construction  
machine according to claim 4, further comprising:

a manipulating lever (~~45~~) to be manipulated by an operator; and

a work determination body (~~46~~) for determining the content of the work on the basis  
of a manipulating signal from the manipulating lever (~~45~~) and outputting the content of the  
work to the generator output control body (~~51~~).

Claim 6 (Currently Amended): The control apparatus of a hybrid construction

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machine according to claim 4, further comprising:

a work mode switch (49) with which the content of work can be ~~appointed~~ selected by an operator; and

a switch detection body (50) for detecting the content of the work ~~appointed~~ selected with the work mode switch (49) and outputting the content of the work to the generator output control body (51).

PP Claim 7 (Currently Amended): A control apparatus of a hybrid construction machine for executing ~~works~~ work by charging a main battery (12) with power of a power generator (11) to be driven by an engine (10) and driving electric motors (6, 7, 13, 15, 23, 25) by means of power of at least one of the power generator (11) and the main battery (12), comprising:

a work speed regulation body (47) for regulating work speed in accordance with content of the work when power of the power generator (11) is a predetermined value or less.

Claim 8 (Currently Amended): The control apparatus of a hybrid construction machine according to claim 7, further comprising:

a manipulating lever (45) to be manipulated by an operator; and

a work determination body (46) for determining the content of work on the basis of manipulating signal from the manipulating lever (45) and outputting the content of the work to the work speed regulation body (47).

Claim 9 (Currently Amended): The control apparatus of a hybrid construction

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machine according to claim 7, further comprising:

a work mode switch (~~49~~) with which the content of work can be ~~appointed~~ selected by an operator, and

a switch detection body (~~50~~) for detecting the content of the work ~~appointed~~ selected with the work mode switch (~~49~~) and outputting the content of the work to the work speed regulation body (~~47~~).

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Claim 10 (Original): The control apparatus of a hybrid construction machine according to any of claims 4 to 9, wherein the hybrid construction machine is a hybrid excavator.

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